

United States District Court  
Eastern District of California

Philip J. Syzemode,

Petitioner,

No. Civ. S 05-0775 MCE PAN P

vs.

Findings and Recommendations

Board of Prison Terms, et al.,

Respondents.

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Petitioner alleges his constitutional right to due process was violated in connection with California parole proceedings.

Respondent moved July 5, 2005, to dismiss based on the district court's ruling in Sass v. California Bd. of Prison Terms, 376 F. Supp. 2d 975 (E.D. Cal. 2005). July 27, 2005, petitioner opposed.

This case is assigned to the same district judge who decided Sass. Therefore, although that decision is pending on appeal, I  
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1 hereby recommend that respondent's July 5, 2005, motion be  
2 granted and this action be dismissed.

3 Pursuant to the provisions of 28 U.S.C. § 636(b)(1), these  
4 findings and recommendations are submitted to the United States  
5 District Judge assigned to this case. Written objections may be  
6 filed within 20 days of service of these findings and  
7 recommendations. The document should be captioned "Objections to  
8 Magistrate Judge's Findings and Recommendations." The district  
9 judge may accept, reject, or modify these findings and  
10 recommendations in whole or in part.

11 Dated: November 22, 2005.

12 /s/ Peter A. Nowinski  
13 PETER A. NOWINSKI  
Magistrate Judge

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